DISCUSSION PAPER ON BOARD COMPOSITION AND DESIRABLE NON-STATUTORY CRITERIA FOR BOARD MEMBER NOMINATION

In response to recent discussions regarding the composition and qualifications for members of the Board of Licensure of Professional Engineers and Professional Land Surveyors, the Board has prepared this discussion paper on the issue. The Board welcomes feedback on the contents of the document.

Recent discussions have centered on two main issues. The first is whether or not there should be separate boards to regulate the professions of engineering and land surveying in Idaho. The second is the issue of the desirable attributes of the engineer members of the Board in relation to practice discipline, geographic representation, and practice sector.

In regard to the first issue, Idaho Code Section 54-1203 currently states, in regard to the Board of Licensure of Professional Engineers and Professional Land Surveyors,

> "It shall consist of five (5) persons duly licensed as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or any organized and generally recognized state land surveying society in this state for the professional land surveyor member. The board shall be comprised of four (4) persons licensed as professional engineers and one (1) person licensed as a professional land surveyor."

Idaho Code Section 54-1204 goes on to state,

> "Members of the board shall be citizens of the United States and residents of this state, and they shall have been engaged for at least twelve (12) years in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor member, shall have been in responsible charge for at least five (5) years of important professional engineering or professional land surveying work, and shall be licensed under the provisions of this chapter. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work."

Prior to 1978 there was no requirement that one of the five board members be a land surveyor, because prior to that, any person licensed as a professional engineer was allowed to practice land surveying. Legislative changes in 1978 required engineers to submit evidence of competency in order to continue to be allowed to practice land surveying. Persons granted that privilege are referred to as "combined license holders" and their designation is traditionally "P.E./L.S."

According to the National Council of Examiners for Engineering and Surveying, there are 26 jurisdictions which have boards that regulate only the professions of engineering and surveying via one board, 14 which have separate boards for the professions of engineering and surveying (Note 1. Illinois has a PE board, a structural engineering board, and a surveying board. Note 2. Nebraska and Tennessee each have one board which regulates both engineering and architecture, but not surveying), and 14 which have

a single board that regulates not only engineering and surveying, but other professions as well including architecture, landscape architecture, interior design, geology, and others.

A discussion of the pro's and con's of a board that regulates both professions versus separate boards for each profession might be considered subjective rather than objective. What is perceived as a negative by one person might be perceived as a positive by another. Recognizing that problem, the following table notes some of the pro's and con's of a combined board versus separate boards that have been expressed by various participants in the discussion to date.

Combined Board Independent of Bureau of Occupational Licensing		Separate Boards Assuming PLS Board is under Bureau of Occupational Licensing	
Pro	**Con**	**Pro**	**Con**
"Turf" battles taken care of within one agency			"Turf" battles more difficult to settle between agencies than within an agencies
Less duplication of services			Duplication of services
Less expensive membership cost in NCEES			Duplication of cost of membership in NCEES
	PLS's feel they do not have a significant voice		
	PE's feel that PLS's are overrepresented		
	Only one PLS required by law so that Board Member has no one with whom to collaborate		
Less costly per licensee			More expensive per licensee
PE's and PLS's investigating the technical aspects of complaints			Non PE's and PLS's investigating the technical aspects of complaints
	Fewer combined or dual licensed individuals to fill PE position and serve as collaborator with PLS member		
Board has control over administrative staff			Board must rely on BOL for administrative support
	PLS matters are decided by Board that may have only one PLS	Each profession regulates itself	

In regard to the second issue, beyond the above Idaho Code citations, there are no requirements that any of the professional engineer members also be licensed to practice professional land surveying, that there be a diversity of practice disciplines, that there be breadth of geographic representation, or that there be a mix of representation from various practice sectors. In reality, though not required by law, the Board has generally been made up of persons from various engineering disciplines, from the geographic spectrum of the state, and from the public, private, and educational sectors.

Probably the most important factor to consider when nominating a new Board member to an engineer position on the Board under the current law is the fact that only one member of the Board is required to be a professional land surveyor. While any one Board member's thoughts and opinions are important, it is always a good idea to have a colleague with whom to discuss policy and other important matters. In practice, ever since 1978, when the separate position for the professional land surveyor member was created, at least one of the engineer members of the Board was also a land surveyor, thus the land surveyor member always had someone with whom to discuss and weigh technical matters. As the number of "combined" license holders dwindles (they were only issued for a one year time period in 1979) it is more and more difficult to find a willing candidate for the Board who has a combined license. Under the current law an engineer may become licensed separately as a professional land surveyor, and some have done so, but again, there are not many in that pool of potential candidates. With the civil engineering curricula throughout the country de-emphasizing surveying, the number of professional engineers who also qualify for and seek licensure as professional land surveyors will not likely grow rapidly, or at all, in the future. Perhaps we should consider a statutory requirement that one of the engineer members also be licensed as a land surveyor, or, alternatively, add an additional land surveyor position to the Board. Discussion has also occurred in the past and initiated again recently over the pro's and con's of having a member of the public, licensed neither as an engineer nor as a land surveyor, serve on the Board. Many other jurisdictions have public member positions and California even has a law which requires that the majority of the Board members be unlicensed public members. The Idaho Board has had the pleasure of working with many public members through its activities with the National Council of Examiners for Engineering and Surveying. Some persons have expressed a concern that the pace of Board meetings might be impeded with the presence of a public member since many issues would have to be discussed from a very basic beginning point in order that the public member understand the matter, as opposed to engineers and surveyors having the fundamental background of the issue in most cases.

In regard to the engineer positions that become vacant, some consideration should be given to discipline of practice, geographic representation, and whether the candidate comes from the public, the private or the educational practice areas. Diverse technical matters come before the Board and a representation of civil as well as mechanical, electrical, chemical, and other practice disciplines with fewer practitioners is valuable. Perfect balance is probably impossible, but the opportunity to serve on the Board should be available to all disciplines and sectors of practice and the Board should ideally not be comprised of members from only one or two of these areas. In general, the practice areas of consulting (private practice), construction, industry, government and education need to be considered. For the last quarter century or so there has been at least one member of the Board who comes from academia. Since education is one of the legs of "the three-

legged stool" of licensing (education, experience, examination), the educator position is often heavily relied upon by the other Board members to advise on such matters.